

# Senate Study Bill 1092 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON SODDERS)

## A BILL FOR

1 An Act concerning the issuance of temporary visitor driver's  
2 licenses to certain foreign nationals.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, Code 2015, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 14A. "*Consular identification document*"  
4 means an official identification card issued by a foreign  
5 government that meets all of the following requirements:

6 a. The identification card is issued through the foreign  
7 government's consular offices for the purpose of identifying  
8 a foreign national who is living outside the foreign  
9 jurisdiction.

10 b. The foreign government requires the foreign national  
11 to provide proof of nationality that is within the foreign  
12 government's jurisdiction and proof of identity to obtain the  
13 identification card.

14 c. The foreign government includes all of the following  
15 security features in the identification card:

16 (1) A unique identification number.

17 (2) An optically variable feature such as a hologram or  
18 color-shifting inks.

19 (3) An ultraviolet image.

20 (4) Encoded information.

21 (5) Machine-readable technology.

22 (6) Microprinting.

23 (7) Secure laminate.

24 (8) Integrated photograph and signature.

25 d. The identification card includes on its face the name of  
26 the individual to whom it is issued, the date of issuance, the  
27 date of expiration, the name of the issuing consular office or  
28 foreign government, and the unique identification number. The  
29 identification card must include an English translation of the  
30 data fields.

31 e. The issuing consular office or foreign government has  
32 filed with the department a copy of the foreign government's  
33 standard consular identification document and a certification  
34 of the procedures that are used to satisfy the requirements of  
35 paragraphs "b" and "c".

1     Sec. 2. NEW SECTION.   **321.182A Temporary visitor driver's**  
2 **license.**

3     1. The department may issue a temporary visitor driver's  
4 license, valid for a period of two years, to a person who  
5 is a resident of this state and is otherwise eligible for a  
6 driver's license but does not present a social security number  
7 or documentation of authorized presence issued by the United  
8 States citizenship and immigration services.

9     2. In addition to other documents accepted by the department  
10 under administrative rules to establish the identity and  
11 date of birth of an applicant for a driver's license, if the  
12 applicant is applying for a temporary visitor driver's license  
13 under this section, the department may accept a valid unexpired  
14 passport from the applicant's country of citizenship or a valid  
15 unexpired consular identification document.

16    3. An applicant for a temporary visitor driver's license  
17 who is under eighteen years of age at the time of application  
18 is subject to the provisions of sections 321.177, subsection  
19 1, and section 321.184.

20    4. Except as otherwise provided by law, a person issued a  
21 temporary visitor driver's license is subject to the provisions  
22 of this Code and administrative rules to the same extent as a  
23 person issued any other driver's license under this chapter,  
24 including but not limited to financial liability coverage  
25 requirements under section 321.20B and examination requirements  
26 under section 321.186.

27    5. A peace officer shall not detain, arrest, penalize, or  
28 discriminate against a person based solely on the person's  
29 presentation of a temporary visitor driver's license.

30    6. For purposes of this chapter, a temporary visitor  
31 driver's license constitutes proof of identity to the same  
32 extent as any other driver's license issued pursuant to this  
33 chapter. However, a temporary visitor driver's license shall  
34 not be used to determine voting eligibility or eligibility for  
35 any license issued or benefit or service provided by this state

1 or a political subdivision of this state.

2 7. The department may adopt rules as necessary to implement  
3 this section, including but not limited to rules regarding the  
4 design and content of the temporary visitor driver's license;  
5 alternative identifying numbers to be used by the department  
6 to establish the identity of an applicant, including a federal  
7 individual taxpayer identification number; the issuance of  
8 temporary visitor driver's instruction permits; and appropriate  
9 fees to be charged for issuance of temporary visitor driver's  
10 licenses and instruction permits.

11 8. Notwithstanding section 321.11 or any other provision  
12 of law to the contrary, in any disclosure pertaining to  
13 a licensee, the department shall not distinguish between  
14 temporary visitor driver's license status and any other  
15 licensure status.

16 Sec. 3. Section 321.189, Code 2015, is amended by adding the  
17 following new subsection:

18 NEW SUBSECTION. 9. *Temporary visitor driver's license.*  
19 A temporary visitor driver's license shall be of the same  
20 design as a driver's license of the same class, except for  
21 such minimal changes as are necessary to comply with the  
22 requirements of the federal REAL ID Act of 2005, Pub. L. No.  
23 109-13, §202(d)(11).

24 Sec. 4. Section 321.196, subsection 1, Code 2015, is amended  
25 to read as follows:

26 1. Except as otherwise provided, if the licensee is between  
27 the ages of seventeen years eleven months and seventy-two years  
28 on the date of issuance of the license, a driver's license,  
29 other than an instruction permit, chauffeur's instruction  
30 permit, or commercial driver's instruction permit issued under  
31 section 321.180, expires eight years from the licensee's  
32 birthday anniversary occurring in the year of issuance, but  
33 not to exceed the licensee's seventy-fourth birthday. If the  
34 licensee is under the age of seventeen years eleven months  
35 or age seventy-two or over, the license is effective for a

1 period of two years from the licensee's birthday anniversary  
2 occurring in the year of issuance. A licensee whose license is  
3 restricted due to vision or other physical deficiencies may be  
4 required to renew the license every two years. If a licensee  
5 is a foreign national who is temporarily present in this state,  
6 the license shall be issued only for the length of time the  
7 foreign national is authorized to be present as verified by  
8 the department, not to exceed two years. A temporary visitor  
9 driver's license issued pursuant to section 321.182A shall be  
10 issued for two years and may be renewed.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with  
13 the explanation's substance by the members of the general assembly.

14 This bill provides for the issuance of a temporary  
15 visitor driver's license to a person who presents a consular  
16 identification document as proof of identification and date of  
17 birth.

18 The bill defines "consular identification document" as an  
19 official identification card issued by a foreign government,  
20 through the foreign government's consular offices, for the  
21 purpose of identifying a foreign national who is living  
22 outside the foreign jurisdiction. The definition specifies  
23 security attributes that a consular identification document  
24 must have and content the document must contain. The document  
25 must include an English translation of the data fields. The  
26 definition also requires that a copy of the standard document  
27 issued by the consular office or foreign government be filed  
28 with the department of transportation along with certification  
29 of procedures used to ascertain the identity of a person  
30 to whom a consular identification document is issued and  
31 procedures used to satisfy the specified security requirements  
32 of the document.

33 Under the bill, the department of transportation may  
34 issue a temporary visitor driver's license to a person who is  
35 otherwise qualified for a driver's license but does not present

1 a social security number or document of authorized presence  
2 issued by the United States citizenship and immigration  
3 services. The department may accept an unexpired passport from  
4 the applicant's country of citizenship or a valid unexpired  
5 consular identification document as proof of identification  
6 and date of birth. The bill specifies that a person with a  
7 temporary visitor driver's license is subject to all of the  
8 Code provisions and administrative rules applicable to a person  
9 with any other type of driver's license, including provisions  
10 relating to drivers under 18 years of age, examination  
11 requirements, and financial liability coverage requirements.  
12 For purposes of Code chapter 321 relating to the regulation  
13 of motor vehicles and motor vehicle operators, a temporary  
14 visitor driver's license constitutes proof of identification  
15 to the same extent as any other driver's license. However,  
16 the license shall not be used to determine voting eligibility  
17 or eligibility for any license issued or benefit or service  
18 provided by this state or a political subdivision of this  
19 state. The design of the temporary visitor driver's license  
20 shall be the same as another driver's license of the same  
21 class, except that the department may make minimal changes as  
22 necessary to comply with requirements of the federal REAL ID  
23 Act of 2005 relating to driver's licenses that may not be used  
24 for federal purposes according to that Act. The bill provides  
25 that a temporary visitor driver's license shall be valid for  
26 two years and may be renewed. The department of transportation  
27 is prohibited from distinguishing between temporary visitor  
28 driver's license status and any other licensure status in any  
29 disclosure pertaining to a licensee. The department may adopt  
30 rules relating to the issuance of temporary visitor driver's  
31 licenses and instruction permits, including providing for  
32 appropriate license fees.